MONTANA LEGISLATIVE HISTORY

Chapter 545 19 85

Bill H 483 S _____ Original bill & history ____C

H. Committee on Local Government			S. Committee on Local Government		
Hearing Date(s)	Feb 14	✓ C	Hearing Date(s)	Mar 4	✓ C
	_____	____C		Mar 11	✓ C
	_____	____C		_____	____C
	_____	____C		_____	____C
Date Out	Feb 14	✓ C		Mar 18	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

3/20 ADVERSE COMMITTEE REPORT
3/20 BILL KILLED

HB 482 INTRODUCED BY PISTORIA, PECK, ET AL.
ALLOW ABSENTEE VOTING FOR ILL HEALTH, SUDDEN ILLNESS, OR HEALTH EMERGENCY

1/25 INTRODUCED
1/25 REFERRED TO STATE ADMINISTRATION
1/26 FISCAL NOTE REQUESTED
2/01 FISCAL NOTE RECEIVED
2/07 HEARING
2/09 COMMITTEE REPORT-BILL PASS AS AMENDED
2/11 2ND READING PASS AS AMENDED
2/12 3RD READING PASS

TRANSMITTED TO SENATE
2/13 REFERRED TO STATE ADMINISTRATION
3/13 HEARING
3/13 COMMITTEE REPORT-BILL CONCURRED
3/15 2ND READING CONCURRED
3/18 3RD READING CONCURRED

RETURNED TO HOUSE
3/23 SIGNED BY SPEAKER
3/23 SIGNED BY PRESIDENT

3/25 TRANSMITTED TO GOVERNOR
3/29 SIGNED BY GOVERNOR
CHAPTER NUMBER 239 EFFECTIVE DATE: 7/01

HB 483 INTRODUCED BY SPAETH
PROCEDURE TO DISSOLVE COUNTY WATER AND SEWER DISTRICT

1/25 INTRODUCED
1/25 REFERRED TO LOCAL GOVERNMENT
2/14 HEARING
2/15 COMMITTEE REPORT-BILL PASS AS AMENDED
2/18 2ND READING PASS
2/19 3RD READING PASS

TRANSMITTED TO SENATE
2/21 REFERRED TO LOCAL GOVERNMENT
3/14 HEARING
3/18 COMM REPORT-BILL CONCURRED AS AMENDED
3/21 2ND READING CONCURRED
3/23 3RD READING CONCURRED

RETURNED TO HOUSE WITH AMENDMENTS
4/05 2ND READING AMENDMENTS CONCURRED
4/08 3RD READING AMENDMENTS CONCURRED
4/15 SIGNED BY SPEAKER
4/15 SIGNED BY PRESIDENT

4/15 TRANSMITTED TO GOVERNOR
4/18 SIGNED BY GOVERNOR
CHAPTER NUMBER 545 EFFECTIVE DATE: 10/

HB 484 INTRODUCED BY PECK, IVERSON, ET AL.

Lyle P. Nagel, representing the Volunteer Firemen's Association, stated they would like to go on record as opposing this bill.

Vern Evans, West Helena Valley Fire Department, said he is opposed to this bill simply for one reason. Volunteer firemen do a duty to the area they serve. After 10 years of service they receive a pension. If the area was to be annexed, those firemen would not be able to participate and they would lose all of their retirement benefits.

Robert Park of the Missoula Rural Fire District #2457, said this threatens because of the fiscal impact.

James Lofftus, Missoula Rural Fire District, said he would like to go on record as opposed to the amendment. They need some protection so that they do not lose their tax base and go to smaller areas where the tax base is smaller.

Jeff Steven, vice president of Wapikiya Home Owners Association, said they wish to go on record as opposing HB 504 and asked the committee to give it a Do Not Pass recommendation.

In closing, Rep. Kadas said that with this bill, the whole rural fire district has the right to protest, and the rural fire district is established to protect rural areas. The bill goes beyond the rural fire district's ability to veto.

DISCUSSION OF HOUSE BILL NO. 504: Rep. Sands asked Mr. Gebhardt if he had a comment about what Rep. Kadas said. Mr. Gebhardt said the rural fire district is not what the statutes said. It says that fire protection can be set up outside the territory, and he said he disagrees with what Rep. Kadas said. It is the method the cities choose as to how they want to annex.

Rep. Hansen asked Mr. Gebhardt how many people live in the city of Missoula that is served by the city of Missoula, and how many live in the urban areas. Mr. Gebhardt replied that the number of residents that they serve is 30,000 in the city and 28,000 in the fire district.

CONSIDERATION OF HOUSE BILL NO. 483: Rep. Spaeth of District 84, appeared as sponsor of the bill. This bill provides a procedure for dissolving county water and sewer districts; providing for a petition to dissolve the district; providing for a public hearing on the question; and requiring a determination that there are no outstanding debts of the district. Rep. Spaeth said this is a non-controversial bill and no one should have any problems with it. He has represented many types of districts over the years as an attorney, and is very familiar with other districts. There are ways of putting districts out of business. One district in his area came to him and said they did not have any reason to exist, that

it is not feasible; thus they want to go out of existence. He found out there is nothing in the statutes in the law books that state how they can go out of existence. They hire themselves an attorney and petition the district court for hearings before the judge, and this is a costly process, from $2,500 to $5,000 because they are involved in the legal system and have to hire an attorney. His district opted for the legislative process and that is what this bill is addressed to. As to determine if there are any outstanding debts, upon a hearing when this is taken care of, it goes to the county commissioners. In some instances, there may be some assets left over. His district does not have the money to pay his fees and must stay in existence for one year. He urged the committee to pass this bill, but thought there should be an amendment.

PROPONENTS: Joanne Peres, Montana Association of Clerks and Recorders, recommended that on page 2, line 16, "notice must also be filed with clerks and recorders" be added.

OPPONENTS: There were no opponents present.

Rep. Spaeth closed his presentation of HB 483.

DISCUSSION OF HOUSE BILL NO. 483: Rep. Kadas asked Rep. Spaeth what the amendment is that he was talking about. Rep. Spaeth said it would be to allow the assets of the district, if there are any, to revert back to the county.

Rep. Sands asked Rep. Spaeth if this process for dissolution is similar to other districts, and Rep. Spaeth replied it is to some extent similar to a grazing district, and not as complicated as a conservation district. A sewer district that has never had any work done on it is a little simpler.

CONSIDERATION OF HOUSE BILL NO. 484: Rep. Peck appeared as sponsor of this bill. This bill is an act to provide a method for correcting erroneous property descriptions of a county water and sewer district. He said Hill county asked him to present this bill, and he feels this is a very simple bill. Line 13 will give the current property description, and then a date can be set for a hearing to provide that the property description change is intended only for the purpose of correcting an erroneous land description. The Billings County Water District of Billings Heights sent him a letter and they indicated an election can cost up to $5,000. They have asked the committee to consider an amendment that would correct erroneous property descriptions. This is attached as exhibit 1.

PROPONENTS: Patricia Schaeffer, Assistant Attorney General, stated she is here to state to the committee that she does not see any legal problems with this bill. There is no provision in the law that will allow the board of directors to

seconded by Rep. Kitselman. Question being called for, motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 496: Rep. Brown moved to DO PASS, seconded by Rep. Kadas. Chairman Darko moved the amendments, and Rep. Brown seconded them. Lee Heiman explained the technical amendments. Question was called for and motion PASSED UNANIMOUSLY. Rep. Brown then moved to DO PASS AS AMENDED, seconded by Rep. Kitselman. Question being called for, motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 545: Rep. Sales made the motion of DO NOT PASS, seconded by Rep. Kitselman. Rep. Kadas asked why he was trying to kill it. Rep. Sands asked Rep. Sales what is wrong with adding an amendment to make it discretionary with the commissioners. Rep. Sales answered that it is giving them the right to raise wages of one in the courthouse, but not the rest.

Rep. Brown moved to amend line 12, following compensation, to insert "as determined by the board of county commissioners" and on line 13, strike "is $3,000" and insert after administrator "shall be fixed at not less than $500 or no more than $3,000". Amendment died for lack of a second to the motion. Rep. Brandewie stated he thinks the committee should stick with HB 514 and give everyone raises.

Question being called for, Rep. Sales' motion CARRIED, with Rep. Brown voting no.

DISPOSITION OF HOUSE BILL NO. 654: Rep. Brown moved to DO PASS HB 654, and this was seconded by Rep. Kitselman. Rep. Kadas moved to amend line 25 by striking "sheriff" and inserting "general fund", and also include them in the title. This was seconded by Rep. Sales. Amendment CARRIED. Rep. Brown then moved to DO PASS AS AMENDED, seconded by Rep. Kadas.

Rep. Pistoria said this does not make any sense, and Rep. Switzer said he would have to vote against it.

Question was called for, and Rep. Brown's motion PASSED, with Rep. Pistoria and Rep. Switzer voting no.

DISPOSITION OF HOUSE BILL NO. 483: Rep. Brown moved a DO PASS, seconded by Rep. Kadas. Rep. Kitselman moved to amend and this was seconded by Rep. Kadas. Question being called for, amendment PASSED. Rep. Brown then moved to DO PASS AS AMENDED HB 483, and this was seconded by Rep. Gilbert. Motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 484: Rep. Kitselman moved that HB 484 DO PASS, seconded by Rep. Fritz. Rep. Sands moved to amend, and this was seconded by Rep. Kitselman. Rep.

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

LOCAL GOVERNMENT COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date Feb. 14, 19

NAME	PRESENT	ABSENT	EXCUSED
Paula Darko, Chairman	✓		
Norm Wallin, Vice Chairman	✓		
Ray Brandewie	✓ late		
Dave Brown	✓		
Harry Fritz	✓		
Stella Jean Hansen	✓		
Bob Gilbert	✓		
Mike Kadas	✓		
Les Kitselman	✓		
Paul Pistoria	✓ late		
Bing Poff	✓		
Walter Sales	✓		
Jack Sands	✓		
Dean Switzer	✓		

Please attach to minutes.

STANDING COMMITTEE REPORT

February 14, 1985

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 483

FIRST reading copy (WHITE color)

PROCEDURE TO DISSOLVE COUNTY WATER AND SEWER DISTRICT.

Respectfully report as follows: That HOUSE Bill No. 483

BE AMENDED AS FOLLOWS:

1. Page 2, line 16.
Strike: "clerks,"
Insert: "clerk and recorders, who shall then cause a copy of the instrument to be filed with the secretary of state.
(5) Any assets of the district after dissolution shall be distributed pro rata by taxable valuation to the general funds of the counties in which the district was located."

AND AS AMENDED,

DO PASS

Fw 2/15

PAULA DARKO,
Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

OPPONENTS

There were no opponents to HB 470.

Chairman Fuller opened the hearing for Committee questions. There were no Committee questions regarding HB 470.

The hearing was closed on HB 470.

CONSIDERATION OF HOUSE BILL 483: Representative Gary Spaeth, District #84, is the sponsor of this bill. The bill was introduced to provide a procedure for dissolving county water and sewer districts; to provide for a petition to dissolve the district; to provide for a public hearing on the question; and to require a determination that there are no outstanding debts of the district.

PROPONENTS

There were no proponents to HB 483.

OPPONENTS

There were no opponents to HB 483.

Chairman Fuller opened the hearing for Committee questions.

Senator Story expressed concern about current indebtedness becoming a general obligation to people outside of the district. Representati Spaeth assured him this would not happen.

The hearing was closed on HB 483.

CONSIDERATION OF HOUSE BILL 484: Representative Ray Peck, District #15, is the sponsor of this bill. The bill was introduced to provide a method for correcting erroneous property descriptions of a county water and sewer district.

PROPONENTS

There were no proponents to HB 484.

OPPONENTS

There were no opponents to HB 484.

Chairman Fuller opened the hearing for Committee questions. There were no Committee questions regarding HB 484.

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

49th
~~XXXXX~~ LEGISLATIVE SESSION -- 1985

Date 3-14-85

SENATE SEAT #	NAME	PRESENT	ABSENT	EXCUSED
13	Senator Crippen, Bruce	✓		
18	Senator Eck, Dorothy	✓		
11	Senator Harding, Ethel	✓		
47	Senator Hirsch, Les	✓		
4	Senator McCallum, George	✓		
28	Senator Mohar, John (V.Chair)	✓		
44	Senator Pinsoneault, Dick	✓		
19	Senator Regan, Pat	✓		
21	Senator Story, Pete	✓		
43	Senator Fuller, Dave (Chair)	✓		

Each day attach to minutes.

The hearing was closed on HB 564.

ACTION TAKEN ON HOUSE BILL 564: Senator Eck moved that HB 564 BE CONCURRED IN. The motion passed unanimously with Senators McCallum and Crippen absent. Senator Regan was excused from the meeting after this vote. Senator Pinsoneault will carry the bill.

ACTION TAKEN ON HOUSE BILL 414: Senator Eck moved that HB 414 BE CONCURRED IN. The motion passed with Senator Regan (absentee vote) voting no. Senator Aklestad will carry the bill.

ACTION TAKEN ON HOUSE BILL 436: Karen Renne explained the proposed amendments to the bill. They are attached as Exhibit A to these minutes.

Senator Hirsch moved the amendments be adopted. The motion passed unanimously.

Senator Mohar moved that HB 436 as amended BE CONCURRED IN. The motion passed with Senator Story voting no. Senator Neuman will carry the bill.

ACTION TAKEN ON HOUSE BILL 483: Karen Renne explained the proposed amendments to the bill. The are attached as Exhibit B to these minutes.

Senator Pinsoneault moved the amendments be adopted. The motion passed unanimously.

Senator Hirsch moved that HB 483 as amended BE CONCURRED IN. The motion passed unanimously. Senator Hirsch will carry the bill.

ACTION TAKEN ON HOUSE BILL 239: Karen Renne explained the proposed amendments to the bill. They are attached as Exhibit C to these minutes.

Senator Eck moved the amendments be adopted. The motion passed unanimously.

Senator Mohar moved that HB 239 as amended BE CONCURRED IN. The motion passed with Senator McCallum (absentee vote) voting no. Senator Crippen will carry the bill.

CONSIDERATION OF HOUSE BILL 746: Representative Helen O'Connell, District #40, is the sponsor of this bill. The bill was introduced to authorize an assessment option based upon water meter size to be used in assessing costs in fire hydrant maintenance districts.

PROPONENTS

Nathan Tubergen, Finance Director for the City of Great Falls, spoke in favor of the bill. He said when the charges are based on square footage, they are very inequitable. This bill would

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

49th
~~XXXX~~ LEGISLATIVE SESSION -- 1985

Date 3-16-85

SENATE SEAT #	NAME	PRESENT	ABSENT	EXCUSED
13	Senator Crippen, Bruce			✓
18	Senator Eck, Dorothy	✓		
11	Senator Harding, Ethel	✓		
47	Senator Hirsch, Les			
4	Senator McCallum, George			✓
28	Senator Mohar, John (V.Chair)	✓		
44	Senator Pinsoneault, Dick	✓		
19	Senator Regan, Pat	✓		✓ left after meeting started
21	Senator Story, Pete	✓		
43	Senator Fuller, Dave (Chair)	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

MARCH 18 19 85

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE BILL No. 483

THIRD reading copy (BLUE color)

(HIRSCH WILL CARRY)

PROCEDURE TO DISSOLVE COUNTY WATER AND SEWER DISTRICT

Respectfully report as follows: That HOUSE BILL No. 483

be amended as follows:

1. Page 2, line 10.
   Following: line 9
   Strike: "boards of"
   Following: "commissioners of"
   Strike: "all the"
   Insert: "the county or"

2. Page 2, lines 15 and 16.
   Following: "with the" in line 15
   Strike: remainder of line 15 through "RECORDERS" in line 16
   Insert: "clerk and recorder of the county or counties in which the district is located"

3. Page 2, line 22.
   Following: line 21.
   Insert: "Section 2. Coordination instruction. If Senate Bill No. 130, including the section of that bill that provides for newspaper publication of notices, is passed and approved, the sentence beginning on line 18 on page 1 of this act is amended to read: "A notice of the public hearing on the dissolution must be published as provided in [section 1 of Senate Bill No. 130]."

   Renumber: Subsequent section

~~DO PASS~~ AND AS AMENDED

~~DO NOT PASS~~ BE CONCURRED IN

Senator Dave Fuller Chairman.

LOCAL GOVERNMENT COMMITTEE
MARCH 16, 1985
EXHIBIT B

Passed 3/16

PROPOSED AMENDMENTS TO HOUSE BILL 483

1. Page 2, line 10.
   Following: line 9
   Strike: "boards of"
   Following: "commissioners of"
   Strike: "all the"
   Insert: "the county or"

2. Page 2, lines 15 and 16.
   Following: "with the" in line 15
   Strike: remainder of line 15 through "RECORDERS" in line 16
   Insert: "clerk and recorder of the county or counties in which the district is located"

3. Page 2, line 22.
   Following: line 21.
   Insert: "Section 2. Coordination instruction. If Senate Bill No. 130, including the section of that bill that provides for newspaper publication of notices, is passed and approved, the sentence beginning in line 18 on page 1 of this act is amended to read: "A notice of the public hearing on the dissolution must be published as provided in [section 1 of Senate Bill No. 130]."

Renumber: subsequent sections